

PROSECUTION OF FORMER U.S.
BORDER PATROL AGENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, as the Members of this House well know, in February 2006, U.S. Border Patrol Agents Ramos and Compean were convicted in a U.S. District Court in Texas for shooting a Mexican drug smuggler. They were sentenced to 11 and 12 years imprisonment, respectively, and today is the 153rd day since the two agents entered Federal prison.

What Members of this House may not know is that 10 years of each of their sentences were based on an indictment and conviction for a Federal crime that does not exist. The Federal crime they were convicted of does not exist.

The law that they were charged with violating has never been enacted by the United States Congress but rather was fashioned by the Office of the United States Attorney for the Western District of Texas, Johnny Sutton.

The law that the agents were charged with, 18 United States Code section 924(c)(1)(a) as enacted by Congress, requires a defendant to be indicted and convicted either of using or carrying a firearm during and in relation to the commission of a crime of violence or possessing a firearm in furtherance of a crime of violence.

However, neither Mr. Ramos nor Mr. Compean was ever charged with the specific elements of the crime. Instead, Mr. Sutton's office extracted from the United States Criminal Code a sentencing factor, discharging a firearm, and substituted that sentencing factor for the congressionally defined elements of the offense.

In this case, I can imagine how difficult it would be to obtain an indictment and conviction for "using," "possessing" or "carrying" a firearm when the Border Agents were required to carry firearms as part of their job. That difficulty may well, very well, explain why this United States Attorney's Office unilaterally changed Congress's definition of a crime to a definition that would be easier to prove by the prosecution.

Any change in the elements of a crime amounts to the seizure of legislative authority by a Federal prosecutor. When this encroachment upon the legislative power of Congress was brought to my attention and to the attention of my colleagues, Congressmen VIRGIL GOODE and former Texas State judge, Congressman TED POE, we joined forces with the Gun Owners Foundation, U.S. Border Control, U.S. Border Control Foundation and the Conservative Legal Defense and Education Fund to file a friend of the court brief in the United States Court of Appeals for the Fifth Circuit Court.

The brief urges reversal of these unjust convictions and 10 year mandatory minimum sentences by spelling out how changes contained in two counts

of the indictment against the agents are "fatally defective" because they fail to charge an offense as defined by the statute.

Mr. Speaker, many of my colleagues and the American people have been greatly concerned about the denial of due process of law to Agents Ramos and Compean. The American people must be confident that prosecutors will not tailor the law to make it easier to convict in a particular case. Federal prosecutors take an oath to enforce the law, not to make the law.

It is my understanding that the House Judiciary Committee will soon hold hearings to examine the prosecution of this case, and I want to thank Chairman JOHN CONYERS for his interest in investigating the injustice committed against these two Border agents.

I encourage the chairman and the committee to take a thorough look into the actions of the Office of U.S. Attorney for the Western District of Texas and its pattern of aggressively prosecuting law enforcement officers, including Ramos and Compean, former Border Patrol Agent Aleman and Deputy Sheriff Gilmer Hernandez. These are legitimate legal questions and concerns about this prosecutor's office, and they need to be answered.

And again, I thank the chairman of the Judiciary Committee for his interest and concern about justice to right an injustice.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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HIGHLIGHTING THE COBB COUNTY
SHERIFF'S OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, I rise today to highlight the exemplary important work of the Cobb County Sheriff's Office. This Georgia agency has been screening County Jail inmates to identify and deport illegal immigrants. This is a hugely important effort. After these criminals serve their time, we need to deport them.

Many jailed illegal immigrants are incarcerated for crimes like rape, armed robbery and drug trafficking. We want to do more than simply get these criminals off our streets. We want, Mr. Speaker, to get them out of our country.

Six deputies with the Cobb County Sheriff's Office recently underwent specialized training with Immigration and Customs Enforcement to identify illegal immigrants in our jails. Cobb Coun-

ty is the first department in Georgia and indeed one of the first in the Nation to work with ICE on this initiative. They are setting a fine example for communities across America, and our cities will undoubtedly benefit from the widespread adoption of this program.

After all, our State and local law enforcement officials are our first responders in the fight against illegal immigration. They play a critical role in stopping criminal aliens from harming our citizens.

Here's how this new program works. Local law enforcement officials travel to Herndon, Virginia, to train with Immigration and Customs Enforcement. They get experience in immigration law, criminal law, document examination, alien processing, and cross-cultural communication.

These trained deputies then return home to their communities where they work with ICE agents to identify illegal immigrants in local jails by comparing fingerprints with ICE and FBI databases and interviewing prisoners.

The program may be new but it is already working. In the Cobb County jail alone, which holds nearly 2,200 inmates, law enforcement officials have identified 63 people of interest to Federal immigration authorities. That is 63 rapists, robbers, and drug lords that we can get off of our streets and out of our country.

Mr. Speaker, we know local law enforcement officials are often our front line of defense when it comes to identifying and removing illegal immigrants from our communities. As we look for solutions to the current illegal immigration crisis, we must empower our State and local officials and help them coordinate with Federal agents. And that is why I proudly supported an amendment last week to the Homeland Security appropriations bill. We passed that on the floor to support this new and promising ICE program so that we don't just provide funding to communities located within 100 miles of the southern border; otherwise Cobb County, Georgia won't have qualified.

Last summer I examined border security efforts along the United States-Mexican border, and during that trip I observed our Border Patrol agents loading up buses and planes with criminal illegal immigrants being deported back to their home countries. Now Cobb County is playing a vital role in this process, and I am incredibly proud of their efforts. The sheriff's office is helping rid our society of dangerous criminals who have no business being here in the United States.

Especially, Mr. Speaker, I want to recognize Cobb County Sheriff Neil Warren, Cobb County Police Chief George Hatfield, and the six Cobb deputies who went through the specialized training: Paul Harrison, Claudia Cross, Marco Cabrera, Olanda Palmer, and Paul Diaz. Their effort to uphold the rule of law is commendable, and I urge more local agencies to consider participating in this critical program.

Mr. Speaker, I ask my colleagues to join me in thanking the Cobb County sheriff's office for its commitment to getting dangerous, criminal, illegal immigrants out of our community.

THE IRAQ WAR

The SPEAKER pro tempore (Mr. KLEIN of Florida). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, last week President Bush defended his war in Iraq saying it would be a disaster if we left. Well, if the President doesn't know it by now, we already have a disaster on our hands.

Allow me to read a few headlines from the past week to give everyone a sense of how well the war is progressing:

The Washington Post, June 18, 2007, General Petraeus: "Iraq 'Challenges' to Last for Years."

New York Times, June 16, 2007, "In Iraq Secretary Gates Says Progress Toward Peace is Lagging."

New York Times, June 13, 2007, "Violence Rising in Much of Iraq, Pentagon Says."

MSNBC.com, March 17, 2006, "Cost of Iraq War could surpass \$1 trillion. Of course, the estimates vary but all agree price is far higher than initially expected."

A Pentagon report released last week gave a grim outlook of the situation in Iraq. While the number of U.S. troops on the ground reached a record high as a result of the President's so-called troop surge, violence in Iraq has continued to increase. In fact, since the surge was announced, 500 American troops have been killed. According to the report, much of the violence that plagues Iraq is attributable to "sectarian friction and each faction is driven by its own political and economic power relationships."

Further, "Illegally armed groups are engaged in a cycle of sectarian and politically motivated violence, using tactics that include indiscriminate bombing, murder, executions and indirect fire to intimidate and provoke sectarian conflict."

Simply put, Iraq is a full-fledged civil war.

The number of suicide attacks in Iraq has increased from 26 in January to 58 in March and April. Remember IEDs, that is, improvised explosive devices? Now insurgents are increasingly using a more advanced type of IED called EFPs, or explosively formed projectiles, to kill our soldiers. These new bombs are being used in rapidly increasing numbers and are extremely effective at piercing the armor of our Humvees, tanks, and troop transports, causing mass casualties. As of today, there have been 3,526 U.S. deaths; there have been 26,000 Americans wounded, some very serious; 60,000 to 100,000 Iraqi civilians have died; and there are over 1,000 attacks per week, on average, and steadily growing.

We have spent over \$435 billion of taxpayer money. The total cost to our economy could be upwards of \$1 trillion to \$2 trillion.

It is time to face the facts. Bombs and bullets have not and will not bring us peace in Iraq.

In January, I, along with my colleagues BARBARA LEE and LYNN WOOLSEY, introduced H.R. 508, the "Bring the Troops Home and Iraq Sovereignty Restoration Act of 2007." This bill repeals the authorization of force in Iraq, requires a complete withdrawal of troops within 6 months, and puts Iraq on a path to sovereignty and peace. This bill seeks to end the cycle of violence that has plagued Iraq since we began this occupation.

There is bipartisan opposition to the war in Iraq, and a majority of Americans not only think President Bush is doing a poor job handling the situation in Iraq, but a majority also support setting a timetable for withdrawal. Our constituents sent us a strong message in November and continue to demand an end to this war.

Mr. Speaker, I hope that we in Congress have the courage to bring this war in Iraq to an end.

DR. AL SIMONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KUHLM) is recognized for 5 minutes.

Mr. KUHLM of New York. Mr. Speaker, I rise today to speak about Dr. Al Simone, an outstanding individual in the community of Rochester, New York. Dr. Simone retires this month from the presidency of the Rochester Institute of Technology. He was RIT's eighth president, the eighth in 177 years.

Dr. Simone came to Rochester from a place where the weather is a little bit more predictable. He was the president of the University of Hawaii system and chancellor of the University of Hawaii at Manoa for 9 years.

Dr. Simone has led RIT to become the one of the Nation's leading career-oriented universities with 15,500 students from all 50 States and more than 100 foreign countries, 2,800 faculty and staff, and an annual operating budget of more than \$490 million. RIT is now the tenth largest private university in the Nation in terms of full-time undergraduate enrollment. The endowment has climbed to more than \$570 million during his tenancy.

Dr. Simone is a prolific writer and has written several books and numerous journal publications on the application of mathematics, statistics, and computers to economics and business. In fact, Dr. Simone is collecting data and information for a book right now on higher education, which he expects to write within the next few years during his retirement on the sunny shores of Keuka Lake.

Dr. Simone is a real trailblazer. He was the first American university

president, for instance, to officially visit North Korea, Vietnam, and Vladivostok when these areas were closed to the United States except for cultural and educational exchange.

A native of Boston, Dr. Simone received his B.A. in economics from Tufts University and his Ph.D. in economics from the Massachusetts Institute of Technology. He has taught at Tufts, MIT, Northeastern University, Boston College, Boston University, University of Cincinnati, and the University of Hawaii.

The community will certainly miss Al's leadership and I know I will miss working with him.

Mr. Speaker, I hope you will join me in wishing him and his wife, Carolie, a long, happy, healthy retirement with their children and their grandchildren.

THE RED INK KEEPS GETTING DEEPER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the topic of my remarks tonight will be "The Red Ink Keeps Getting Deeper."

If we look at the trade procedure the Bush administration wants Congress to pass called Fast Track, we should know that it is shorthand for Congress blindly signing away its constitutionally granted duty to regulate commerce with foreign nations. That is right in the Constitution. Under Fast Track procedure, Congress loses any opportunity to negotiate, amend, or improve the Bush administration's misguided trade policy.

We have seen what happens when Congress hands the reins over to the executive branch. When we look at our soaring trade deficit and our ravaged middle-class communities, we see how Congress could have improved each one of the trade agreements we were forced to consider as a whole under what was called Fast Track. It is like a fast ball through here that you can't even amend.

The Commerce Department just released an example of the Bush administration's horrendous leadership on this issue. The first quarter account for 2007 is another \$193 billion deficit in the red, which totals 5.7 percent of GDP, a total drag on economic growth in this country. And, in fact, this quarter's debt is larger than the last quarter of 2006. The red ink keeps getting deeper every single quarter.

Our national security is forced to take a back seat to foreign investment while workers lose their pensions and their health benefits or their jobs, and illegal immigrants scramble across our borders attempting to flee the destruction caused by our failed trade policies in those countries. This should not be happening.

When Congress reclaims our power to amend trade agreements, we can use trade policy in a manner to level the